REMARKS

In response to the Non-final Office Action dated August 23, 2006, applicants respectfully request reconsideration of the present application. Claims 1, 3, 5, 6, 10, 14, and 19 have been amended. No new matter has been added. Claims 1–22 are pending.

Examiner interview

Applicants thank Examiner Sax for the telephonic interview on October 10, 2006. During the interview the claim amendments were discussed. Examiner Sax indicated that the claim amendments distinguished the present claims from the cited references and also indicated that a further search would be performed.

Rejection under 35 USC §103(a)

Claims 1–22 are rejected under 35 USC §103(a) as being unpatentable over Hinson (U.S. Patent No. 6,144,391) and Nemiroff (U.S. Patent Publication No. 2002/0075399). This rejection is respectfully traversed.

Claim 1, as amended, recites receiving input from a video capturing device, the input including an identifier associated with the video capturing device and a video stream; retrieving an identifier from a storage, the retrieved identifier corresponding to the received identifier associated with the video capturing device; locating a directory

corresponding to the retrieved identifier, the directory containing one or more stored images previously captured by the video capturing device; resenting a view of the video stream currently being captured by the video capturing device to a user; and contemporaneously presenting the one or more stored images previously captured by the video capturing device to the user. Neither Hinson nor Nemiroff, either alone or in combination, teaches or suggests these features.

Hinson discloses a video processing system 10 containing a video store 11 that stores a video clip (col. 5, lines 47–48). The video store 11 outputs stored video to a display store 22 (col. 7, lines 5–7) where the data is output to a monitor for display (col. 7, lines 11–12). The video processing system 10 may further enter editing mode in which video clips are read out of the video store 11 and into the display store 22 (col. 7, lines 21–23) and edited via a video processor 27 and an effects processor 28 (col. 7, lines 44–47). The edited video data is then displayed on a monitor (col. 7, lines 35–38).

Claim 1 recites receiving input from a video capturing device, the input including an identifier associated with the video capturing device. Hinson fails to teach or suggest this feature. Nowhere does Hinson teach or suggest an identifier associated with a video capturing device. Hinson merely discloses receiving video input and storing the video input in a video store 11. No further disclosure is provided by Hinson regarding the source of the video input. Even presuming a video capturing device is providing the

video input in Hinson, Hinson still fails to teach or suggest an identifier associated with the video capturing device.

Claim 1 further recites retrieving an identifier from a storage, the retrieved identifier corresponding to the received identifier associated with the video capturing device. Hinson fails to teach or suggest this feature. As set forth above, Hinson fails to teach or suggest an identifier associated with a video capturing device. In addition, Hinson also fails to teach or suggest retrieving an identifier from a storage. Indeed, retrieving an identifier from storage is unrelated to the Hinson disclosure which describes receiving video data, editing the video data, and displaying the edited video data on a monitor. There would have been no need, benefit or use in also retrieving an identifier from a storage that corresponds to a received identifier associated with a video capturing device. In fact, Hinson fails to teach or suggest an identifier associated with a video capturing device at all.

Claim 1 also recites locating a directory corresponding to the retrieved identifier, the directory containing one or more stored images previously captured by the video capturing device. Hinson fails to teach or suggest this feature. As set forth above, Hinson merely discloses receiving video data, storing the data, editing the data, then displaying the data. However, Hinson fails to teach or suggest a directory corresponding to a retrieved identifier and containing one or more stored images previously captured by the video capturing device and locating the directory. There would have been no

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need, benefit or use in locating a directory in Hinson because the Hinson disclosure merely relates to receiving video data and outputting the received data. Locating a directory would have been irrelevant to the Hinson disclosure.

Claim 1 also recites presenting a view of the video stream and contemporaneously presenting the one or more stored images previously captured by the video capturing device. Hinson fails to teach or suggest this feature. As set forth above, Hinson merely discloses receiving video data, storing the data, editing the data, and displaying the edited data. However Hinson fails to teach or suggest presenting a view of the video stream and contemporaneously presenting one or more stored images previously captured by the video capturing device.

The Office Action asserts that Hinson provides this teaching at col. 7, lines 10–20 and 25–45, and col. 8, lines 42–60. However, contrary to the Office Action's assertion, Hinson fails to provide this disclosure.

At col. 7, lines 10–20, Hinson discloses that video data from the display store 22 is output by a monitor 25 for display. Even assuming that Hinson discloses at col. 7, lines 10–20 that video data may be displayed, Hinson still fails to teach or suggest also contemporaneously presenting one or more stored images previously captured by the video capturing device.

At col. 7, lines 25–45, Hinson discloses that the system may be used in editing mode in which video clips are read out of the video store 11, processed (e.g., generating

a keying signal, modifying color, changing texture, spatial effects, etc.), then output via the display store 22 for display. Therefore, Hinson merely discloses receiving video data, editing the data, then displaying the edited data. This is unrelated to the feature of presenting a view of the video stream *contemporaneously* with presenting stored images previously captured by the video capturing device.

At col. 8, lines 42–60, Hinson discloses receiving video clips from a "bulk store", loading the received video clips in the video store 11, receiving a (different) second video clip via another path 16, and simultaneously reading both video clips into a display store 22 for display on a monitor. Also, the video clips may be edited by a user and the edited clips may be displayed on the monitor. Hence, Hinson merely discloses receiving two video clips, optionally editing either of the two clips, and displaying the clips or the edited clips on a monitor. The result is that two different video clips (from different sources) are displayed on a monitor simultaneously.

Even assuming Hinson discloses displaying two video clips from different sources simultaneously, Hinson still fails to teach or suggest presenting stored images previously captured by the video capturing device contemporaneously with a view of the video stream currently being captured by the video capturing device.

Nemiroff discloses encoding and transmitting still picture images at a reduced frame repetition and transmission rate. Nemiroff also fails to teach or suggest 1) an identifier associated with a video capturing device; 2) retrieving an identifier from a

storage, the retrieved identifier corresponding to the received identifier associated with the video capturing device, 3) locating a directory corresponding to the retrieved identifier, the directory containing one or more stored images previously captured by the video capturing device, or 4) presenting a view of the video stream currently being captured by the video capturing device and contemporaneously presenting the one or more stored images previously captured by the video capturing device.

Nemiroff, like Hinson, fails to teach or suggest an identifier, retrieving an identifier, or locating a director corresponding to the retrieved identifier. Indeed, the Nemiroff disclosure is unrelated to an identifier at all.

The Office Action asserts that Nemiroff discloses "efficient storage and presentation coordination" and also discloses a video capturing device "which captures while it presents previously captured images, for efficient coordination of storage and presentation." The Office Action cites Nemiroff at paragraphs 9, 24, 27, and 36 for support of the alleged disclosures. However, contrary to the Office Action's assertions, Nemiroff fails to teach or suggest claim 1 at any of the cited paragraphs (or anywhere else in the reference).

Nemiroff at paragraph 9 discloses capturing frames from an input video stream at a rate that is less than the input video frame rate. Nemiroff at paragraph 24 discloses receiving a still frame input video stream 10, storing the video stream in a current frame buffer 12, selecting between data stored in the current frame buffer 12 or buffer 14,

and inputting the selection to a video compressor 18. Nemiroff at paragraph 27 discloses compressing the selected frames. Nemiroff at paragraph 36 discloses capturing a first picture from input video and storing in a first memory and capturing a second picture from the input video and storing in a second memory. These disclosures are unrelated to presenting a view of the video stream currently being captured by the video capturing device and contemporaneously presenting the one or more stored images previously captured by the video capturing device. The Office Action merely asserts without rational support that Nemiroff at paragraph 9, 24, 27, or 36 somehow discloses claim 1. However, a mere conclusory statement without some articulated reasoning and rational underpinning is insufficient to establish *prima facie* obviousness. Thus, the Office Action has failed to establish *prima facie* obviousness. The rejection should be withdrawn.

To establish *prima facie* obviousness of a claimed invention, all the claim features must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Because the combination of Hinson and Nemiroff fails to teach or suggest all the claim features as set forth above, it is respectfully submitted the rejection should be withdrawn.

Claim 14 is similar to claim 1 and is allowable for at least the reasons set forth above for claim 1.

Claims 2–9, and 15–22 depend from claim 1 or claim 14 and are allowable for at least the reasons set forth above for claim 1 or claim 14.

In addition, claim 4 recites that the storage location is a virtual folder. The Office Action asserts that Hinson discloses this feature at col. 10, lines 25–35. However, Hinson at col. 10, lines 25–35 merely discloses displaying a video clip on a display, selecting the video clip with a stylus, then replicating the frames in the clip responsive to selection with the stylus. This is unrelated to a storage location or a virtual folder. Withdrawal of the rejection is respectfully requested.

Claim 8 recites a break in communication between the video capturing device and the computer between the time that the previously captured images were taken and the time that the view of the video stream is being presented. The Office Action asserts that Hinson discloses this feature at col. 9, lines 3–21 and 45–61. However, Hinson at col. 9, lines 3–21 and 45–61 merely discloses displaying video clips on a display, cutting a first video clip by selecting with a stylus, then dragging the stylus "rapidly horizontally to the right" to insert the video clip at a desired location. Also, Hinson discloses at col. 9, lines 45–61 displaying a continuous line 62 on the display of the video clips to indicate which frames of the video clip form part of a combined clip and are available for further processing (if required). These disclosures are unrelated to a break in communication between the video capturing device and a computer. Instead, the Hinson disclosure merely relates to editing and splicing video clips. At no time in the Hinson

disclosure is there a break in communication between a video capturing device and a computer at all.

Claim 9 recites that the computer was turned off between the time that the previously captured images were taken and the time that the view of the video stream is being presented. The Office Action asserts that Hinson at col. 9, lines 3–21, and 45–61 provides this disclosure (see Office Action, page 4). As set forth above, Hinson at lines 3–21, and 45–61 merely discloses editing and splicing video clips. This is unrelated to turning off a computer. On the contrary, if the system of Hinson were to be turned off, Hinson would be unable to edit or splice the video clips as disclosed at col. 9, lines 3–21 and 45–61. This would serve to defeat the purpose of the Hinson disclosure.

Claim 10 recites presenting a folder to the user, displaying an icon representing a video capturing device (responsive to the user selecting the folder), displaying a real-time view of the video stream currently being captured by the video capturing device along with one or more images that were previously captured by the video capturing device (responsive to the user selecting the video capturing device icon. The Office Action asserts that Hinson discloses "the folder that normally holds icons and displaying the icon to preview the video stream with the previously captured images at col. 8, lines 28–42. See Office Action, page 4.

Hinson at col. 8, lines 28–42 discloses editing a video clip by displaying the video clip in an editing environment (FIG. 4). A cursor may activate icon 36a (FIG. 4) to

cause scrolling of the video clip. Activation of another icon 36b (FIG. 4) causes scrolling of the video clip in the other direction. This is unrelated to presenting a folder or displaying an icon representing a video capturing device responsive to the user selecting the folder. At best, Hinson merely discloses scrolling a display by selecting an icon. Claim 10 recites that the icon represents a video capturing device. In Hinson, the "icon" is a scrolling arrow and is unrelated to a video capturing device at all. Indeed, not only does Hinson fail to teach or suggest presenting a folder to a user, Hinson also fails to teach or suggest an icon representing a video capturing device.

Claim 10 also recites displaying one or more images that were previously captured by the video capturing device. The icon of Hinson (element 36a or 36b) are not disclosed as being "previously captured by the video capturing device" as recited in claim 10. Clearly an icon as displayed on an editing screen for scrolling the screen is not an image that was "previously captured by the video capturing device."

Nemiroff also fails to teach or suggest claim 10, nor does the Office Action assert that Nemiroff does. Withdrawal of the rejection of claim 10 is respectfully requested.

Claims 11–13 depend from claim 10 and are allowable for at least the reasons set forth above for claim 10.

In addition, there would have been no motivation to combine Hinson and Nemiroff as suggested by the Office Action. The Office Action asserts that one of

ordinary skill in the art would have modified Hinson with Nemiroff to "allow efficient coordination of storage and presentation." See Office Action, page 3. Hinson discloses a system for receiving video input, editing the video data, and displaying the edited video data. Hinson does not disclose or suggest that the disclosed system/method lacks efficiency or that the coordination of storage and presentation is somehow problematic in any way. On the contrary, Hinson indicates that the Hinson disclosure succeeds in overcoming "previous problems by providing an electronic video store comprising storing means for storing digital data representing multiple video frames and access means for providing random access input and output of video frames to and from the storing means ..." Col. 3, line 66 – col. 4, line 7.

The Office Action asserts that one of ordinary skill in the art, given the disclosure of Hinson that the Hinson system/method overcomes previous problems and is therefore presumably efficient, would have then somehow determined that the Hinson system/method is in fact *inefficient* and would need to be modified by Nemiroff in order to "allow efficient coordination of storage and presentation." In fact, nowhere does Hinson disclose or suggest that the system/method of Hinson lacks efficiency in coordination of storage and presentation. Thus there would have been no motivation for one of ordinary skill in the art to have then modified Hinson unnecessarily.

Nemiroff discloses capturing images from a video input at a rate that is lower than the video input frame rate, thus enabling still picture sequences to be

communicated at a very low bit rate (under 200 Kbps) (See Nemiroff, abstract, paragraph [0002]). The Office Action asserts that one of ordinary skill in the art given the disclosure of Hinson of receiving video input, editing the video data, and outputting the edited video data would have somehow determined that the Hinson disclosure is inefficient (despite a complete lack of such a suggestion by Hinson) and would have then attempted to cure the alleged inefficiency by incorporating the Nemiroff reference that discloses displaying capture video data and transmitting the data at a very low rate.

Even assuming that one of ordinary skill in the art would have somehow determined that Hinson was inefficient as the Office Action contends, one of ordinary skill in the art would not have determined that the disclosure of Nemiroff would have resulted in increased efficiency of Hinson because the Nemiroff disclosure is directed to a fundamentally different embodiment. At best, if one of ordinary skill in the art would have combined the references as suggested by the Office Action, one of ordinary skill in the art would have edited received video data and output the edited video data (Hinson), then modified Hinson by displaying the video data at a very low rate (Nemiroff). Displaying the output of Hinson at the "very low rate" of Nemiroff would not have resulted in increased efficiency. Nor would one of ordinary skill in the art at the time the invention was made have believed that slowing the output rate of the Hinson video data to a "very low rate" would have increased efficiency. Indeed, displaying data in Hinson at

a "very low rate" would have been decreased efficiency rather than increased it as suggested by the Office Action.

Because the Office Action has failed to establish *prima facie* obviousness, withdrawal of the rejection of claims 1–22 is respectfully requested.

CONCLUSION

Accordingly, in view of the above amendment and remarks, Applicants submit that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Therefore, Applicants respectfully request that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number listed below.
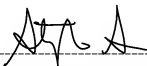
If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50–0463.

Respectfully submitted,

Microsoft Corporation

Date: _October 11, 2006_

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